

**BEFORE THE
STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

DOCKET 04-AFC-1
DATE MAY 30 2005
RECD. MAY 31 2005

Application for Certification
For the San Francisco
Electric Reliability Project

Docket No. 04-AFC-1

**THIRD SET OF DATA REQUESTS
OF CALIFORNIANS FOR RENEWABLE ENERGY, INC. (CARE)**

Pursuant to Title 20, California Code of Regulations, section 1716, CALifornians for Renewable Energy, Inc. (CARE) requests the information specified in the enclosed data requests. Additionally, as the City and County of San Francisco (CCSF or the Applicant) is a public agency, we hereby submit this written request under the California Public Records Act.

PLEASE TAKE NOTICE OF THE FOLLOWING LEGAL AUTHORITY ON WHICH REQUESTER IS RELYING AND WILL RELY REGARDING THE CPRA:

- The CPRA requires a determination by an agency receiving a written request, with notice to the CPRA requestor of the determination, within 10 days of the request. (Gov. Code Sec. 6253(a).)
- The CPRA defines the public record as "any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics." (Gov. Code Sec. 6252(d).)
- A CPRA request may not be limited or ignored even when discovery is available to obtain the requested public records, regardless of the requestor's purpose for seeking the information requested.
- In enacting the CPRA, the California Legislature has expressly stated, "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (Gov. Code sec. 6250.) And the California Supreme Court has held that the explicit purpose of the CPRA is to increase freedom of information by giving the public access in possession of public agencies, which requires a narrow construction of the CPRA exemptions with the burden on the agency to prove those exemptions exist in a particular case. (Fairley v. Superior Court (1998) 66 Cal.App.4th 1414, 1419-20; see also

Mirror Co v. Superior Court (1991) 53 Cal.3d 1325.)

The information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will result in significant environmental impacts, 4) assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner, and 5) assess potential mitigation measures and alternatives.

Respectfully submitted,



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May 30th, 2005

DEFINITIONS AND INSTRUCTIONS

A. Definitions

1. “*ISO*” means the California Independent System Operator.
2. “*CCSF*” means the City and County of San Francisco or any other governmental entity controlled or appointed by the mayor or City and County of San Francisco including but not limited to the San Francisco Redevelopment Agency.
3. “*SFE*” means San Francisco Department of Environment
4. “*CEC*” means the California Energy Commission.
5. “*CPUC*” means California Public Utilities Commission.
6. “*Communication(s)*” includes all verbal and written communications of every kind, including but not limited to telephone calls, conferences, and correspondence, and all memoranda concerning the requested communication.
7. “*Document(s)*” refers to all writings and records of every type in your possession, control, or custody, including but not limited to: testimony and exhibits, memoranda, correspondence, letters, reports (including drafts, preliminary, intermediate, and final reports), surveys, analyses, studies (including economic and market studies), summaries, comparisons, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, diaries, log sheets, ledgers, transcripts, microfilm, microfiche, computer data, computer files, computer tapes, computer inputs, computer outputs and printouts, vouchers, accounting statements, budgets, workpapers, engineering diagrams (including "one-line" diagrams), mechanical and electrical recordings, telephonic and telegraphic communications, speeches, and all other records, written, electrical, mechanical, or otherwise and drafts of any of the above.

“*Document(s)*” includes the following:
 - a. copies of documents, where the originals are not in your possession, custody or control;
 - b. every copy of a document which contains handwritten or other notations or which otherwise does not exactly duplicate the original or any other copy.
 - c. any attachments or appendices to any document.
8. “*Identification*” and “*identify*”:
 - a. when used with respect to a document, include stating the nature of the document

(e.g., letter, memorandum, corporate minutes), the date, if known, on which the document was prepared, the title of the document, the general subject matter of the document, the number of pages in the document, the identity of each person who wrote, dictated, or otherwise participated in the preparation of the document, the identity of each person who signed or initialed the document, the identity of each person to whom the document was addressed, the identity of each person who reviewed or revised the document, the location of the document, and the identity of each person having possession, custody, or control of the document.

“*Identification*” of a document includes identifying all documents known or believed to exist whether or not they are in your custody.

- a. when used with respect to a person, include stating (i) his or her full name, (ii) his or her most recently known business address and telephone number, or if that is not available, the most recently known home address and telephone number, (iii) his or her present title and position, and (iv) his or her present and prior connections or associations with any participant or party to this proceeding.
 - b. when used with respect to a communication, include stating (i) the date of the communication, (ii) the type of communication, (iii) the identity of the persons who made and received the communication, (iv) the persons present when the communication was made, and (v) to the extent not provided in a document, the substance of the communication.
9. “*Participant*” means any party to this proceeding or any employee of the Commission assigned to present the position of the Commission staff in the proceeding before the Commission.
10. “*Party*” means, with respect to a proceeding
- a. a person filing any application, petition, tariff or rate filing, complaint, or any protest.
 - b. any respondent to a proceeding; or
11. “*Person*” refers to, without limiting the generality of its meaning, every natural person, corporation, partnership, association (whether formally organized or *ad hoc*), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency, or any other group or other organization.

B. Instructions

1. These data requests call for all information, including information contained in documents, which relates to the subject matter of the data requests and which is known or available to

you. If there is no responsive information or document, please so state.

2. Where a data request has a number of separate subdivisions or related parts or portions, a complete response is required to each subdivision, part, or portion. Any objection to a specific data request should clearly indicate the subdivision, part, or portion of the data request to which it is directed.
3. If a data request specifically requests an answer in response rather than the production of documents, an answer is required. The production of documents will not suffice.
4. If information requested is not available in the exact form requested, provide such information or documents as are available that best respond to the data request.
5. Publicly available documents: If information requested is publicly available on the internet, the exact Web address of the responsive information may be provided in lieu of producing the document; provided, however, that access to the document shall not require any type of registration through such Web site.
6. These data requests are continuing in nature and require supplemental responses when further or different information with respect to the same is obtained.
7. Each response should be furnished on a separate page headed by the individual data request number being answered. Individual responses of more than one page should be stapled or bound and each page consecutively numbered.
8. In each response, including the production of all documents, designate the data request(s) being answered, using the same number used by CARE in these data requests.
9. Each data request to, "Provide all documents . . ." or similar phrases includes a request for the "identification" (*see* Definitions) of all such documents. To the extent that a document is self-identifying, it need not be separately identified.
10. For each document produced or identified in a response which is computer generated, state separately (i) what types of data, files, or tapes are included in the input and the source thereof, (ii) the form of the data which constitutes machine input (*e.g.*, punch cards, tapes), (iii) a description of the recordation system employed (including program descriptions, flow charts, *etc.*), and (iv) the identity of the person who was in charge of the collection of input materials, the processing of input materials, the data bases utilized, and the programming to obtain the output.
11. If a data request can be answered in whole or in part by reference to the response to another data request served in this proceeding, it is sufficient to so indicate by specifying the other data request by participant and number, by specifying the parts of the other response which are responsive, and by specifying whether the response to the other data request is a full or partial response to the instant data request. If it constitutes a partial response, the balance of the data request must be answered.

12. If you cannot answer a data request in full, after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why you cannot answer the data request in full, and state what information or knowledge you have concerning the unanswered portions.
13. If, in answering any of these data requests, you believe that any data request or definition or instruction applicable thereto is ambiguous, set forth the language you believe is ambiguous and the interpretation you are using in responding to the data request.
14. If a document requested is unavailable, identify the document, describe in detail the reasons the document is unavailable, and state where the document can be obtained.
15. If you assert that any document responsive to a data request has been destroyed, state when and why it was destroyed, identify the person who directed the destruction, and identify all documents relevant to the destruction or the explanation. If the document was destroyed pursuant to your document retention/destruction program, identify and produce a copy of the guideline, policy or company manual describing such retention/destruction program.
16. Where a data request seeks information by year or years, indicate whether the information is provided on a calendar or fiscal year basis. If provided on a fiscal year basis, state the dates on which each fiscal year begins and ends.
17. If you refuse to respond to any discovery request by reason of a claim of privilege, or for any other reason, state in writing the type of privilege claimed and the facts and circumstances you rely upon to support the claim of privilege or the reason for refusing to respond. To the extent you assert a claim of privilege with respect to any responsive documents, please provide an index identifying each of those documents, that includes the date of each individual document, its title, its recipient(s) and its sender(s), a summary of the contents of the document and the basis of claim of privilege.
18. Each response must be verified under oath in writing and each document produced shall be verified under oath in writing as being an authentic original document or a true duplicate of an authentic original document.
19. Identify the person responsible (whether primarily or indirectly) for preparing and providing each response. If a data request is directed to the testimony or an exhibit of a witness and is answered by another person, please state whether the witness agrees with the response.
20. If no document is responsive to a data request, then so state. In each such instance the data request should be treated as an interrogatory; thus, provide a full and detailed explanation of the rationale, support, or basis underlying the information included in filings with the Commission, or underlying the position you have taken on the issue, which relates to the subject of the request.

21. The singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular whenever appropriate in order to bring within the scope of these data requests any information or documents which might otherwise be considered to be beyond its scope.
22. Any reference to the Party to whom the data request was addressed also includes any merged or consolidated predecessors or predecessor in interest; subsidiaries past or present; and all persons acting under contractual arrangements with or acting on behalf of the Party to whom the data request was addressed.

CARE'S THIRD SET OF DATA REQUESTS TO CCSF

CARE/CCSF 3.1

Reliability

Background

The project as proposed is designed to provide reliability to the San Francisco Peninsula. To determine the availability of the project please answer the following data request

Data Request

1. Please provide an estimate of how many hours a year that the SFERP would not be available due to maintenance and a sample maintenance schedule that would be anticipated by the applicant.

Background

At the May 11 2005 site visit the Applicants project manger mentioned that the CAL ISO had release an action plan for the San Francisco Peninsula.

Data Request

2. Please provide a copy of the CAL ISO Action plan dated November 2004 and any correspondence between ISO and the applicant related to that plan. Including reliability and risk issues associated with the closure of the Hunters Point and Potrero Power Plants and the potential elimination of over 320 MW of in city generation. Please include a discussion of why all four peaking units cannot be sited at the airport in light of the fact that San Francisco Peninsula will rely almost entirely on imported generation with the closure of Potrero and the Hunters Point Power Plant.

CARE/CCSF 3.2

Alternatives

Background

The project as proposed will utilize four turbines in simple cycle mode. The cost to produce a kilowatt of electricity in simple cycle mode is substantially greater that if the project were to operate one or more of the turbines in combined cycle.

Data Request

1. Please provide an estimate of the average cost to generate a kilowatt of electricity in simple cycle for the SFERP compared to the cost to provide a kilowatt of electricity with the project in combined cycle configuration.

Background

The project proposes to use treated wastewater for cooling in an area that has sensitive receptors in close proximity including a large majority of low income people of color. Wastewater in cooling towers has the potential for legionella formation.

Data Request

2. Please provide an estimate of the cost of dry cooling for this project compared to the current proposed cooling method.

CARE/CCSF 3.3

Air Quality

Background

At the informational site visit on May 11, 2005 the project manager for the applicant mentioned local monitoring stations that had been operating in the community for some time.

Data Request

1. Please provide the monitoring results including PM 2.5 and PM-10 results from the Department of Environment's Bay CAMP monitoring station and since it began operation and any other community modeling results.
2. Please provide the location and quantity of workers who work along the fence lines of the proposed site including the maintenance center next to the project site.
3. Please provide any source test results for LM-6000 turbines that demonstrate compliance with a 2.5 pound per hour PM-10 limit for each turbine and an average PM-10 rate for each turbine.

CARE/CCSF 3.4

Purpose and Need

Background

Section 3.4.2 of Supplement A states that the reduction in NOx will support environmental justice.

Data Request

1. Please explain how the reduction of NOx a regional pollutant will support environmental justice and provide evidence of any NO₂ or ozone exceedances in the project area that supports this claim.

Background

Supplement A describes one of the project objectives as the closure of the Potrero Power Plant owned by Mirant.

2. Please provide evidence of any agreement between Mirant and CCSF that would support the conclusion that Mirant will no longer run the Potrero Power Plant when released from its RMR agreement with CAL ISO.

Background

Page 3-10 of supplement A states, “**The SFERP Will Support Affordable Electric Bills**”

Data Request

3. Please provide a comparison of the average cost of a kilowatt hour of electricity produced by the SFERP compared to the average cost of all generation provided to the SF Peninsula to provide a more valid comparison of how the SFERP will lower the average cost of power to SF residents and in particular the low income residents of Hunters Point and Potrero neighborhoods.

Background

The SF Energy Action plan proposes to shut down the Hunters Point and Potrero Power Plants thereby reducing in city generation by over 300 Megawatts.

Data Request

4. Please describe how this plan will improve reliability since the majority of electricity will have to be imported since most outages in San Francisco have been related to substations and transmission lines.

5. Please provide the number of outages in San Francisco that have been initiated by transmission lines compared to the number of outages that have been caused by the failure of the Potrero 3 unit over the life of the Potrero 3 unit. . Please provide the risk assessment and the Cal ISO risk evaluation from the October 27, 2004 CAL ISO letter to CCSF.

CARE/CCSF 3.5

Public Health

1. Please provide all health studies that have been conducted in the Bayview Hunters Point and Potrero neighborhoods that the Applicant has sponsored or is aware of.

CARE/CCSF 3.6

Noise

1. Please provide a noise contour map from the operation of the SFERP and any associated project components that will generate noise including compressors , pumps, etc.

2. Please provide the number and location of buildings which contain mixed uses of

residential and industrial or office in the project area and estimated noise impacts from the SFERP

CARE/CCSF 3.7

Biology

1. Please estimate the percentage of Nitrogen deposition that would be reduced should the applicant employ the SCONOX Technology and eliminate the use of Ammonia

Verification

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of May 2005, at Soquel, California.

Michael E. Boyd

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